

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

## **Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the defendant's motion to dismiss.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered November 30, 2010, and for the reasons set forth more specifically therein, that defendant's motion to dismiss pursuant to Rule 12(b)(6) is granted. The plaintiffs shall have and recover nothing from this action.

**This Judgment Filed and Entered on December 1, 2010, and Copies To:**

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Brian C. Fork (via CM/ECF Notice of Electronic Filing)  
Craig and Beth Gibson (via U.S. Mail) 95 Balsam Drive, Waynesville, NC 28786 and  
249 Milpass Drive, Holly Springs, NC 27540

December 1, 2010

DENNIS P. JAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk